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Fax: (856) 810-1454****June 15, 2005****TO: Examiner Hayes (TC1700)****GROUP: 1647****FAX NUMBER: 703-872-9306****ATTORNEY DOCKET NO.: UT-0037****SERIAL NO.: 10/025,333****FILED: December 19, 2001****NUMBER OF PAGE: 9**

**MESSAGE:** Attached please find Amendment Transmittal Letter; Reply to Notice of Non-Complaint Amendment (37 CFR 1.121); Copy of Non-Complaint Amendment (37 CFR 1.121); and Certificate of Transmission by Facsimile.

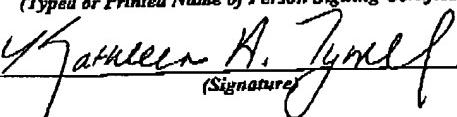
**Kathleen A. Tyrrell, Registration No. 38,350**

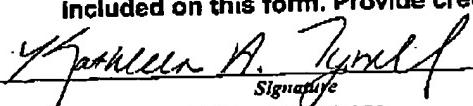
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<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			Docket No. UT-0037
Applicant(s): Rao and Mayer-Proschel			
Application No. 10/025,333	Filing Date December 19, 2001	Examiner Robert Clinton Hayes	Group Art Unit 1647
Invention: Generation, Characterization and Isolation of Neuroepithelial Stem Cells and Lineage Restricted Intermediate Precursor			
<p>I hereby certify that this <u>Response to Notice of Non-Compliant Amendment (37 CFR 1.121)</u>  <small>(Identify type of correspondence)</small>          is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-872-9306</u>)</p> <p>on <u>June 15, 2005</u>  <small>(Date)</small></p> <p style="text-align: right;"><u>Kathleen A. Tyrrell</u>  <small>(Typed or Printed Name of Person Signing Certificate)</small>    <small>(Signature)</small></p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>			

AMENDMENT TRANSMITTAL LETTER (Small Entity)				Docket No. UT-0037	
Applicant(s): Rao and Proschel					
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/025,333	December 19, 2001	Hayes, Robert Clinton	26259	1647	4765
Invention: Generation, Characterization and Isolation of Neuroepithelial Stem Cells and Lineage Restricted Intermediate Precursor					
<u>COMMISSIONER FOR PATENTS:</u>					
Transmitted herewith is an amendment in the above-identified application.					
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	2 -	20 =	0	x \$25.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0	x \$100.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00
<input checked="" type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. 50-1619 in the amount of <input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1619 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input checked="" type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>					
Dated: June 15, 2005					
 <i>Kathleen A. Tyrrell</i> <i>Signature</i> Kathleen A. Tyrrell, Reg. No. 38,350					
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____  (Date)					
<i>Signature of Person Mailing Correspondence</i>					
<i>Typed or Printed Name of Person Mailing Correspondence</i>					



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,333	12/19/2001	Mahendra S. Rao	UT-0037	4765
7590	06/07/2005		EXAMINER	
Licata & Tyrrell P.C. 66 E. Main Street Marlton, NJ 08053			HAYES, ROBERT CLINTON	3
			ART UNIT	PAPER NUMBER
			1647	
DATE MAILED: 06/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 P.O. Box 1450  
 ALEXANDRIA, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 4/5/05 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(b).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_
- 3. Amendments to the drawings: \_\_\_\_\_
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims).
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Cancelled), (Withdrawn), (Previously presented), (New) and (Not entered).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: Claims 1-20 are not out (see this status)

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dam/ops/preo/guide/officeflyer.pdf>.

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Maria G. Hamell  
 Legal Instruments Examiner (LIE)

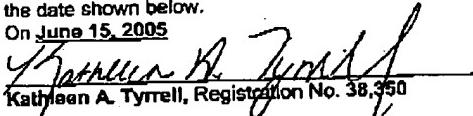
571-272-0561  
 Telephone No.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: UT-0037  
Inventors: Rao and Proschel  
Serial No.: 10/025,333  
Filing Date: December 19, 2001  
Examiner: Hayes, Robert Clinton  
Customer No.: 26259  
Group Art Unit: 1647  
Confirmation No.: 4765  
Title: Generation, Characterization and Isolation of Neuroepithelial Stem Cells and Lineage Restricted Intermediate Precursor

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On June 15, 2005

  
Kathleen A. Tyrrell, Registration No. 38,350

Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Reply to Notice of Non-Compliant  
Amendment (37 CFR 1.121)

This is a reply to the Notice of Non-Compliant Amendment mailed June 7, 2005. Since the "non-compliant amendment" was neither an after final amendment nor an amendment filed after allowance, in accordance with 37

Attorney Docket No.: UT-0037  
Inventors: Rao and Proschel  
Serial No.: 10/025,333  
Filing Date: December 19, 2001  
Page 2

C.F.R. 1.121 and Form PTOL-324, a one (1) month statutory period is set for this response. Thus, since Applicants are filing this response within one (1) month of the mailing date of this Office Communication, neither a Petition for extension of time, nor any additional fees should be required.

Please enter the following remarks into the record.

A complete listing of all of the claims begins on page 3.

Remarks begin at page 4.